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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,853	09/10/2003	Deborah Kutny Splaine	SP-001US(PAR)	5194
7590 04/04/2005				
Deborah Kutny Splaine 228 Asharoken Ave. Northport, NY 11768		EXAMINER SOTELO, JESUS D		
		ART UNIT PAPER NUMBER		
		3617		

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b>	<b>Application No.</b> 10/658,853	<b>Applicant(s)</b> KUTNY SPLAINE, DEBORAH	
	<b>Examiner</b> Jesús D. Sotelo	<b>Art Unit</b> 3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 03 January 2005.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1,4-6,9-14 and 16-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1,4-6,9-14 and 16-24 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
       a) ☐ All    b) ☐ Some \* c) ☐ None of:  
           1. ☐ Certified copies of the priority documents have been received.  
           2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
           3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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### DETAILED ACTION

1. Claims 1, 4-6, 9-14, 16-24 are in the application. Claims 2, 3, 7, 8, and 15 have been canceled.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 14, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Uke et al and Jones

Mencarelli et al discloses a comfort grip for a shaft comprising a tubular member formed of a closed cell resilient polymer material core 26 and a water resistant coating 40. Mencarelli et al further discloses the use of two grip members, one for each hand. The grip of Mencarelli et al is initially in the form of a rectangular, figure 3. Uke et al discloses a hand grip for a paddle-like member and teaches forming the interior of the grip member with an ingrained texture. Jones discloses a similar hand grip and teaches forming the same with joining portions along two opposite sides of a rectangular piece and providing a zipper for securing the two sides. In view of these disclosures, it would have been obvious to one skilled in the art to make the resilient polymer used for making the tubular member out of rubberized material. Similarly, it would have been obvious to one skilled in the art to use a zipper to interconnect the two sides of the tubular grip generally as taught by Jones. The use of any other type of connecting means

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including stitching, lacing, hook and loop or staples would have been an obvious extension of the teachings of Jones.

4. Claims 5, 6, 9, 10, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Uke et al and Jones as applied to claim 1 above, and further in view of Putnam.

Putnam discloses a handgrip device to be placed on a tubular member. The gripping device is made out of Nylon material which is known to possess ultraviolet resistance qualities. Putnam also teaches providing the handgrip with end bands 124. In view of these disclosures, it would have been obvious to one skilled in the art to provide the handgrip of Mencarelli et al with coating formed of Nylon, and with edge bands generally as taught by Putman. Such an arrangement would have been desirable to give the grip a more aesthetic look, The manner in which the edge bands are secured on the grip would have been an obvious matter of engineering design choice to one skilled the art. The use of Nylon and the provision of the edge bands only on certain parts of the grip would have been an obvious matter of design choice to one skilled in the art.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Uke et al and Jones as applied to claim1 above, and further in view of Gunnell.

Gunnell discloses a paddle including a pair of handgrips 22. In view of these disclosures, it would have been obvious to one skilled in the art to provide the grips as per Mencarelli et al on a paddle of the type disclosed by Gunnell. The purpose for the grips in both the device of Mencarelli et al and Gunnell are substantially the same.

***Response to Arguments***

6. Applicant's arguments filed 1/03/05 have been fully considered but they are not persuasive.

Applicant argues that none of the references disclose or teach the recitations in claim 1. we disagree as noted in paragraphs 3-5, above.

Applicant's arguments regarding claim 19 are the same as those regarding claim 1.

Regarding claims 14 and 15, applicant argues that claim 14 is allowable over the art of record. The references of record clearly teach the concept of using a rectangular handgrip.

Regarding claims, 20-24 Jones teaches the use of a zipper to connect the edges of the handgrip. To use any other type of connectors for the same purpose would have been an obvious matter of design choice to one skill in the art.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 571-272-6686. The examiner can normally be reached on Mon. - Fri. 6:00 AM -2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jesus D. Sotelo*  
*Jesus D. Sotelo 3/28/05*

**Primary Examiner**

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KNX 03D69 ☺

sotelo;jds  
March 28, 2005